

IN THE UNITED STATES DISTRICT
COURT FOR THE EASTERN
DISTRICT OF TEXAS SHERMAN
DIVISION

Civil Action No.: 4:20-CV-957-SDJ

THE STATE OF TEXAS
By Attorney General Ken Paxton

THE STATE OF ARKANSAS
By Attorney General Leslie Rutledge

THE STATE OF IDAHO
By Attorney General Lawrence G. Wasden

THE STATE OF INDIANA
By Attorney General Curtis Hill

COMMONWEALTH OF KENTUCKY
By Attorney General Daniel Cameron

THE STATE OF MISSISSIPPI
By Attorney General Lynn Fitch

STATE OF MISSOURI
By Attorney General Eric Schmitt

STATE OF NORTH DAKOTA
By Attorney General Wayne Stenehjem

STATE OF SOUTH DAKOTA
By Attorney General Jason R. Ravensborg

and

STATE OF UTAH
By Attorney General Sean D. Reyes

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

JURY TRIAL DEMANDED

**PLAINTIFF'S URGENT MOTION FOR AN INTERIM PROTECTIVE ORDER TO
PROVIDE DEFENDANT'S OUTSIDE ATTORNEYS ONLY WITH AN
UNREDACTED VERSION OF THE COMPLAINT**

Plaintiffs move the Court for the entry of an Interim Protective Order to Provide Defendant with an Unredacted Version of the Complaint (“*Interim Protective Order*”) and further asks the Court to set a Rule 16 Management Conference for Thursday, January 28, 2021.

Interim Protective Order

An Interim Protective Order will allow the case to move forward, conserve resources, and promote an efficient administration of justice while the parties negotiate a more extensive Protective Order, which we anticipate will take effort and time.

Plaintiffs filed a redacted version of the Complaint alleging antitrust and deceptive trade practices against Google LLC on December 16, 2020 (Dkt. 1) along with a Motion for Leave to File Unredacted Complaint Under Seal (Dkt. 2). The Complaint contains confidential information from Google as well as other third parties, including Google’s competitors.

On December 19, 2020, Plaintiffs provided Google with a copy of the 116-page Complaint removing redactions related to Google’s own confidential information, but keeping in place some 22 redactions (16 of which relate to Google’s contract with a third party, which Google already possesses). Sixteen days later, on January 4, 2021, Plaintiffs officially served Google with the redacted version of the Complaint giving it 21 days to file its Answer.

Third parties that provided Plaintiffs with confidential and sensitive information have expressed a concern over disclosing competitively sensitive information to Google without a protective order in place. Plaintiffs thus seek an Interim Protective Order requiring Google to limit review of an unredacted Complaint exclusively to outside attorneys only. An Outside Attorneys Eyes Only designation will prevent the exchange of competitively sensitive business information while allowing Google’s counsel to prepare its Answer to all of the allegations contained in the Complaint. A more extensive set of confidentiality designations and protections can be addressed

through a subsequent Protective Order.

Rule 16 Management Conference

Google's Answer is due Monday, January 25, 2021. Plaintiffs request the Court set a Rule 16 Management Conference for Thursday, January 28, 2021. Months of discovery, investigations, and the threat of Multi District Litigation, make a Rule 16 Management Conference prudent. Discovery in this case has been conducted over the past year through Texas's CID authority and the filing of an official Complaint is a culmination of that investigation. Additionally, the harm to citizens and the plaintiff States by Google's alleged harm is exponential.

For the reasons stated above, Plaintiffs ask the Court to (i) enter an Interim Protective Order to Provide Google with an Outside Attorneys Eyes Only Unredacted Version of the Complaint; and (ii) set a Rule 16f Management Conference for January 28, 2021.

A proposed order is attached.

Dated: January 5, 2021

FOR PLAINTIFF STATE OF TEXAS:

/s/ W. Mark Lanier

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